

Part III: The Production of Absolute Surplus-Value

CHAPTER TEN

The Working-Day

Pages 25-48

Contents:

Section 1 - The Limits of the Working-Day

Section 2 - The Greed for Surplus-Labour. Manufacturer and Boyard

Section 3 - Branches of English Industry without Legal Limits to Exploitation

Section 4 - Day and Night Work. The Relay System

Section 5 - The Struggle for a Normal Working-Day. Compulsory Laws for the Extension of the Working-Day from the Middle of the 14th to the End of the 17th Century

Section 6 - The Struggle for the Normal Working-Day. Compulsory Limitation by Law of the Working-Time. The English Factory Acts, 1833 to 1864

Section 7 - The Struggle for the Normal Working-Day. Reaction of the English Factory Acts on Other Countries

SECTION 5

THE STRUGGLE FOR A NORMAL WORKING-DAY.

COMPULSORY LAWS FOR THE EXTENSION OF THE WORKING-DAY FROM THE MIDDLE OF THE 14TH TO THE END OF THE 17TH CENTURY

"What is a working-day? What is the length of time during which capital may consume the labour-power whose daily value it buys? How far may the working-day be extended beyond the working-time necessary for the reproduction of labour-power itself?" It has been seen that to these questions capital replies: the working-

day contains the full 24 hours, with the deduction of the few hours of repose without which labour-power absolutely refuses its services again. Hence it is self-evident that the labourer is nothing else, his whole life through, than labour-power, that therefore all his disposable time is by nature and law labour-time, to be devoted to the self-expansion of capital. Time for education, for intellectual development, for the fulfilling of social functions and for social intercourse, for the free-play of his bodily and mental activity, even the rest time of Sunday (and that in a country of Sabbatarians!) [72] — moonshine! But in its blind unrestrainable passion, its were-wolf hunger for surplus-labour, capital oversteps not only the moral, but even the merely physical maximum bounds of the working-day. It usurps the time for growth, development, and healthy maintenance of the body. It steals the time required for the consumption of fresh air and sunlight. It higgles over a meal-time, incorporating it where possible with the process of production itself, so that food is given to the labourer as to a mere means of production, as coal is supplied to the boiler, grease and oil to the machinery. It reduces the sound sleep needed for the restoration, reparation, refreshment of the bodily powers to just so many hours of torpor as the revival of an organism, absolutely exhausted, renders essential. It is not the normal maintenance of the labour-power which is to determine the limits of the working-day; it is the greatest possible daily expenditure of labour-power, no matter how diseased, compulsory, and painful it may be, which is to determine the limits of the labourers' period of repose. Capital cares nothing for the length of life of labour-power. All that concerns it is simply and solely the maximum of labour-power, that can be rendered fluent in a working-day. It attains this end by shortening the extent of the labourer's life, as a greedy farmer snatches increased produce from the soil by robbing it of its fertility.

The capitalistic mode of production (essentially the production of surplus-value, the absorption of surplus-labour), produces thus, with the extension of the working-day, not only the deterioration of human labour-power by robbing it of its normal, moral and physical, conditions of development and function. It produces also the premature exhaustion and death of this labour-power itself. [73] It extends the labourer's time of production during a given period by shortening his actual life-time.

But the value of the labour-power includes the value of the commodities necessary for the reproduction of the worker, or for the keeping up of the working-class. If then the unnatural extension of the working-day, that capital necessarily strives after in its unmeasured passion for self-expansion, shortens the length of life of the individual labourer, and therefore the duration of his labour-power, the forces used up have to be replaced at a more rapid rate and the sum of the expenses for the reproduction of labour-power will be greater; just as in a machine the part of its

value to be reproduced every day is greater the more rapidly the machine is worn out. It would seem therefore that the interest capital itself points in the direction of a normal working-day.

The slave-owner buys his labourer as he buys his horse. If he loses his slave, he loses capital that can only be restored by new outlay in the slave-mart. But "the rice-grounds of Georgia, or the swamps of the Mississippi may be fatally injurious to the human constitution; but the waste of human life which the cultivation of these districts necessitates, is not so great that it cannot be repaired from the teeming preserves of Virginia and Kentucky. Considerations of economy, moreover, which, under a natural system, afford some security for humane treatment by identifying the master's interest with the slave's preservation, when once trading in slaves is practiced, become reasons for racking to the uttermost the toil of the slave; for, when his place can at once be supplied from foreign preserves, the duration of his life becomes a matter of less moment than its productiveness while it lasts. It is accordingly a maxim of slave management, in slave-importing countries, that the most effective economy is that which takes out of the human chattel in the shortest space of time the utmost amount of exertion it is capable of putting forth. It is in tropical culture, where annual profits often equal the whole capital of plantations, that negro life is most recklessly sacrificed. It is the agriculture of the West Indies, which has been for centuries prolific of fabulous wealth, that has engulfed millions of the African race. It is in Cuba, at this day, whose revenues are reckoned by millions, and whose planters are princes, that we see in the servile class, the coarsest fare, the most exhausting and unremitting toil, and even the absolute destruction of a portion of its numbers every year." [74]

Mutato nomine de te fabula narratur. For slave-trade read labour-market, for Kentucky and Virginia, Ireland and the agricultural districts of England, Scotland, and Wales, for Africa, Germany. We heard how over-work thinned the ranks of the bakers in London. Nevertheless, the London labour-market is always over-stocked with German and other candidates for death in the bakeries. Pottery, as we saw, is one of the shortest-lived industries. Is there any want therefore of potters? Josiah Wedgwood, the inventor of modern pottery, himself originally a common workman, said in 1785 before the House of Commons that the whole trade employed from 15,000 to 20,000 people. [75] In the year 1861 the population alone of the town centres of this industry in Great Britain numbered 101,302. "The cotton trade has existed for ninety years.... It has existed for three generations of the English race, and I believe I may safely say that during that period it has destroyed nine generations of factory operatives." [76]

No doubt in certain epochs of feverish activity the labour-market shows significant gaps. In 1834, *e.g.* But then the manufacturers proposed to the Poor Law Commissioners that they should send the "surplus-population" of the agricultural districts to the north, with the explanation "that the manufacturers would absorb and use it up." [77] Agents were appointed with the consent of the Poor Law Commissioners. ... An office was set up in Manchester, to which lists were sent of those workpeople in the agricultural districts wanting employment, and their names were registered in books. The manufacturers attended at these offices, and selected such persons as they chose; when they had selected such persons as their 'wants required', they gave instructions to have them forwarded to Manchester, and they were sent, ticketed like bales of goods, by canals, or with carriers, others tramping on the road, and many of them were found on the way lost and half-starved. This system had grown up unto a regular trade. This House will hardly believe it, but I tell them, that this traffic in human flesh was as well kept up, they were in effect as regularly sold to these [Manchester] manufacturers as slaves are sold to the cotton-grower in the United States.... In 1860, 'the cotton trade was at its zenith.' ... The manufacturers again found that they were short of hands.... They applied to the 'flesh agents, as they are called. Those agents sent to the southern downs of England, to the pastures of Dorsetshire, to the glades of Devonshire, to the people tending kine in Wiltshire, but they sought in vain. The surplus-population was 'absorbed.'" The *Bury Guardian* said, on the completion of the French treaty, that "10,000 additional hands could be absorbed by Lancashire, and that 30,000 or 40,000 will be needed." After the "flesh agents and sub-agents" had in vain sought through the agricultural districts, "a deputation came up to London, and waited on the right hon. gentleman [Mr. Villiers, President of the Poor Law Board] with a view of obtaining poor children from certain union houses for the mills of Lancashire." [78]

What experience shows to the capitalist generally is a constant excess of population, i.e., an excess in relation to the momentary requirements of surplus-labour-absorbing capital, although this excess is made up of generations of human beings stunted, short-lived, swiftly replacing each other, plucked, so to say, before maturity. [79] And, indeed, experience shows to the intelligent observer with what swiftness and grip the capitalist mode of production, dating, historically speaking, only from yesterday, has seized the vital power of the people by the very root — shows how the degeneration of the industrial population is only retarded by the constant absorption of primitive and physically uncorrupted elements from the country — shows how even the country labourers, in spite of fresh air and the principle of natural selection, that works so powerfully amongst them, and only permits the survival of the strongest, are already beginning to die off. [80] Capital that has such good reasons for denying the sufferings of the legions of workers that

surround it, is in practice moved as much and as little by the sight of the coming degradation and final depopulation of the human race, as by the probable fall of the earth into the sun. In every stockjobbing swindle every one knows that some time or other the crash must come, but every one hopes that it may fall on the head of his neighbour, after he himself has caught the shower of gold and placed it in safety. *Après moi le déluge!* is the watchword of every capitalist and of every capitalist nation. Hence Capital is reckless of the health or length of life of the labourer, unless under compulsion from society. [81] To the out-cry as to the physical and mental degradation, the premature death, the torture of over-work, it answers: Ought these to trouble us since they increase our profits? But looking at things as a whole, all this does not, indeed, depend on the good or ill will of the individual capitalist. Free competition brings out the inherent laws of capitalist production, in the shape of external coercive laws having power over every individual capitalist. [82]

The establishment of a normal working-day is the result of centuries of struggle between capitalist and labourer. The history of this struggle shows two opposed tendencies. Compare, e.g., the English factory legislation of our time with the English labour Statutes from the 14th century to well into the middle of the 18th. [83] Whilst the modern Factory Acts compulsorily shortened the working-day, the earlier statutes tried to lengthen it by compulsion. Of course the pretensions of capital in embryo — when, beginning to grow, it secures the right of absorbing a *quantum sufficit* of surplus-labour, not merely by the force of economic relations, but by the help of the State — appear very modest when put face to face with the concessions that, growling and struggling, it has to make in its adult condition. It takes centuries ere the "free" labourer, thanks to the development of capitalistic production, agrees, *i.e.*, is compelled by social conditions, to sell the whole of his active life. his very capacity for work, for the price of the necessities of life, his birth-right for a mess of pottage. Hence it is natural that the lengthening of the working-day, which capital, from the middle of the 14th to the end of the 17th century, tries to impose by State-measures on adult labourers, approximately coincides with the shortening of the working-day which, in the second half of the 19th century, has here and there been effected by the State to prevent the coining of children's blood into capital. That which to-day, e.g., in the State of Massachusetts, until recently the freest State of the North-American Republic, has been proclaimed as the statutory limit of the labour of children under 12, was in England, even in the middle of the 17th century, the normal working-day of able-bodied artisans, robust labourers, athletic blacksmiths. [84]

The first "Statute of Labourers" (23 Edward III., 1349) found its immediate pretext (not its cause, for legislation of this kind lasts centuries after the pretext for it has

disappeared) in the great plague that decimated the people, so that, as a Tory writer says, "The difficulty of getting men to work on reasonable terms (*i.e.*, at a price that left their employers a reasonable quantity of surplus-labour) grew to such a height as to be quite intolerable." [85] Reasonable wages were, therefore, fixed by law as well as the limits of the working-day. The latter point, the only one that here interests us, is repeated in the Statute of 1496 (Henry VII.). The working-day for all artificers and field labourers from March to September ought, according to this statute (which, however, could not be enforced), to last from 5 in the morning to between 7 and 8 in the evening. But the meal-times consist of 1 hour for breakfast, 1 1/2 hours for dinner, and 1/2 an hour for "noon-meate," *i.e.*, exactly twice as much as under the factory acts now in force. [86] In winter, work was to last from 5 in the morning until dark, with the same intervals. A statute of Elizabeth of 1562 leaves the length of the working-day for all labourers "hired for daily or weekly wage" untouched, but aims at limiting the intervals to 2 1/2 hours in the summer, or to 2 in the winter. Dinner is only to last 1 hour, and the "afternoon-sleep of half an hour" is only allowed between the middle of May and the middle of August. For every hour of absence 1d. is to be subtracted from the wage. In practice, however, the conditions were much more favourable to the labourers than in the statute-book. William Petty, the father of Political Economy, and to some extent the founder of Statistics, says in a work that he published in the last third of the 17th century: "Labouring-men (then meaning field-labourers) work 10 hours per diem, and make 20 meals per week, viz., 3 a day for working-days, and 2 on Sundays; whereby it is plain, that if they could fast on Friday nights, and dine in one hour and an half, whereas they take two, from eleven to one; thereby thus working 1/20 more, and spending 1/20 less, the above-mentioned (tax) might be raised." [87] Was not Dr. Andrew Ure right in crying down the 12 hours' bill of 1833 as a retrogression to the times of the dark ages? It is true these regulations contained in the statute mentioned by Petty, apply also to apprentices. But the condition of child-labour, even at the end of the 17th century, is seen from the following complaint: "'Tis not their practice (in Germany) as with us in this kingdom, to bind an apprentice for seven years; three or four is their common standard: and the reason is, because they are educated from their cradle to something of employment, which renders them the more apt and docile, and consequently the more capable of attaining to a ripeness and quicker proficiency in business. Whereas our youth, here in England, being bred to nothing before they come to be apprentices, make a very slow progress and require much longer time wherein to reach the perfection of accomplished artists." [88]

Still, during the greater part of the 18th century, up to the epoch of Modern Industry and machinism, capital in England had not succeeded in seizing for itself, by the payment of the weekly value of labour-power, the whole week of the

labourer, with the exception, however, of the agricultural labourers. The fact that they could live for a whole week on the wage of four days, did not appear to the labourers a sufficient reason that they should work the other two days for the capitalist. One party of English economists, in the interest of capital, denounces this obstinacy in the most violent manner, another party defends the labourers. Let us listen, *e.g.*, to the contest between Postlethwayt whose Dictionary of Trade then had the same reputation as the kindred works of MacCulloch and MacGregor to-day, and the author (already quoted) of the "Essay on Trade and Commerce." [89]

Postlethwayt says among other things: "We cannot put an end to those few observations, without noticing that trite remark in the mouth of too many; that if the industrious poor can obtain enough to maintain themselves in five days, they will not work the whole six. Whence they infer the necessity of even the necessities of life being made dear by taxes, or any other means, to compel the working artisan and manufacturer to labour the whole six days in the week, without ceasing. I must beg leave to differ in sentiment from those great politicians, who contend for the perpetual slavery of the working people of this kingdom; they forget the vulgar adage, all work and no play. Have not the English boasted of the ingenuity and dexterity of her working artists and manufacturers which have heretofore given credit and reputation to British wares in general? What has this been owing to? To nothing more probably than the relaxation of the working people in their own way. Were they obliged to toil the year round, the whole six days in the week, in a repetition of the same work, might it not blunt their ingenuity, and render them stupid instead of alert and dexterous; and might not our workmen lose their reputation instead of maintaining it by such eternal slavery? ... And what sort of workmanship could we expect from such hard-driven animals? ... Many of them will execute as much work in four days as a Frenchman will in five or six. But if Englishmen are to be eternal drudges, 'tis to be feared they will degenerate below the Frenchmen. As our people are famed for bravery in war, do we not say that it is owing to good English roast beef and pudding in their bellies, as well as their constitutional spirit of liberty? And why may not the superior ingenuity and dexterity of, our artists and manufacturers, be owing to that freedom and liberty to direct themselves in their own way, and I hope we shall never have them deprived of such privileges and that good living from whence their ingenuity no less than their courage may proceed." [90] Thereupon the author of the "Essay on Trade and Commerce" replies: "If the making of every seventh day an holiday is supposed to be of divine institution, as it implies the appropriating the other six days to labour" (he means capital as we shall soon see) "surely it will not be thought cruel to enforce it That mankind in general, are naturally inclined to ease and indolence, we fatally experience to be true, from the conduct of our manufacturing populace, who do not labour, upon an average, above four days in a week, unless provisions

happen to be very dear.... Put all the necessaries of the poor under one denomination; for instance, call them all wheat, or suppose that ... the bushel of wheat shall cost five shillings and that he (a manufacturer) earns a shilling by his labour, he then would be obliged to work five days only in a week. If the bushel of wheat should cost but four shillings, he would be obliged to work but four days; but as wages in this kingdom are much higher in proportion to the price of necessaries ... the manufacturer, who labours four days, has a surplus of money to live idle with the rest of the week I hope I have said enough to make it appear that the moderate labour of six days in a week is no slavery. Our labouring people do this, and to all appearance are the happiest of all our labouring poor, [91] but the Dutch do this in manufactures, and appear to be a very happy people. The French do so, when holidays do not intervene. [92] But our populace have adopted a notion, that as Englishmen they enjoy a birthright privilege of being more free and independent than in any country in Europe. Now this idea, as far as it may affect the bravery of our troops, may be of some use; but the less the manufacturing poor have of it, certainly the better for themselves and for the State. The labouring people should never) think themselves independent of their superiors.... It is extremely dangerous to encourage mobs in a commercial state like ours, where, perhaps, seven parts out of eight of the whole, are people with little or no property. The cure will not be perfect, till our manufacturing poor are contented to labour six days for the same sum which they now earn in four days." [93] To this end, and for "extirpating idleness debauchery and excess," promoting a spirit of industry, "lowering the price of labour in our manufactories, and easing the lands of the heavy burden of poor's rates," our "faithful Eckart" of capital proposes this approved device: to shut up such labourers as become dependent on public support, in a word, paupers, in "an *ideal workhouse*." Such ideal workhouse must be made a "House of Terror," and not an asylum for the poor, "where they are to be plentifully fed, warmly and decently clothed, and where they do but little work." [94] In this "House of Terror," this "ideal workhouse, the poor shall work 14 hours in a day, allowing proper time for meals, in such manner that there shall remain 12 hours of neat-labour." [95]

Twelve working-hours daily in the Ideal Workhouse, in the "House of Terror" of 1770! 63 years later, in 1833, when the English Parliament reduced the working-day for children of 13 to 18, in four branches of industry to 12 full hours, the judgment day of English Industry had dawned! In 1852, when Louis Bonaparte sought to secure his position with the bourgeoisie by tampering with the legal working-day, the French working people cried out with one voice "the law that limits the working-day to 12 hours is the one good that has remained to us of the legislation of the Republic!" [96] At Zürich the work of children over 10, is limited to 12 hours; in Aargau in 1862, the work of children between 13 and 16, was reduced from 12 1/2 to 12 hours; in Austria in 1860, for children between 14 and 16, the same

reduction was made. [97] "What a progress," since 1770! Macaulay would shout with exultation!

The "House of Terror" for paupers of which the capitalistic soul of 1770 only dreamed, was realised a few years later in the shape of a gigantic "Workhouse" for the industrial worker himself. It is called the Factory. And the ideal this time fades before the reality.

SECTION 6

THE STRUGGLE FOR THE NORMAL WORKING-DAY.

COMPULSORY LIMITATION BY LAW OF THE WORKING-TIME.

THE ENGLISH FACTORY ACTS, 1833 TO 1864

After capital had taken centuries in extending the working-day to its normal maximum limit, and then beyond this to the limit of the natural day of 12 hours, [98] there followed on the birth of machinism and modern industry in the last third of the 18th century, a violent encroachment like that of an avalanche in its intensity and extent. All bounds of morals and nature, age and sex, day and night, were broken down. Even the ideas of day and night, of rustic simplicity in the old statutes, became so confused that an English judge, as late as 1860, needed a quite Talmudic sagacity to explain "judicially" what was day and what was night. [99] Capital celebrated its orgies.

As soon as the working-class, stunned at first by the noise and turmoil of the new system of production, recovered, in some measure, its senses, its resistance began, and first in the native land of machinism, in England. For 30 years, however, the concessions conquered by the workpeople were purely nominal. Parliament passed 5 labour Laws between 1802 and 1833, but was shrewd enough not to vote a penny for their carrying out, for the requisite officials, &c. [100]

They remained a dead letter. "The fact is, that prior to the Act of 1833, young persons and children were worked all night, all day, or both *ad libitum*." [101]

A normal working-day for modern industry only dates from the Factory Act of 1833, which included cotton, wool, flax, and silk factories. Nothing is more characteristic of the spirit of capital than the history of the English Factory Acts from 1833 to 1864.

The Act of 1833 declares the ordinary factory working-day to be from half-past five in the morning to half-past eight in the evening and within these limits, a period of 15 hours, it is lawful to employ young persons (*i.e.*, persons between 13 and 18 years of age), at any time of the day, provided no one individual young person should work more than 12 hours in any one day, except in certain cases especially provided for. The 6th section of the Act provided. "That there shall be allowed in the course of every day not less than one and a half hours for meals to every such person restricted as hereinbefore provided." The employment of children under 9, with exceptions mentioned later was forbidden; the work of children between 9 and 13 was limited to 8 hours a day, night-work, *i.e.*, according to this Act, work between 8:30 p.m. and 5:30 a.m., was forbidden for all persons between 9 and 18.

The law-makers were so far from wishing to trench on the freedom of capital to exploit adult labour-power, or, as they called it, "the freedom of labour," that they created a special system in order to prevent the Factory Acts from having a consequence so outrageous.

"The great evil of the factory system as at present conducted," says the first report of the Central Board of the Commission of June 28th 1833, "has appeared to us to be that it entails the necessity of continuing the labour of children to the utmost length of that of the adults. The only remedy for this evil, short of the limitation of the labour of adults which would, in our opinion, create an evil greater than that which is sought to be remedied, appears to be the plan of working double sets of children." ... Under the name of System of Relays, this "plan" was therefore carried out, so that, e.g., from 5.30 a.m. until 1.30 in the afternoon, one set of children between 9 and 13, and from 1.30 p.m. to 8.30 in the evening another set were "put to," &c.

In order to reward the manufacturers for having, in the most barefaced way, ignored all the Acts as to children's labour passed during the last twenty-two years, the pill was yet further gilded for them. Parliament decreed that after March 1st, 1834, no child under 11, after March 1st 1835, no child under 12, and after March 1st, 1836, no child under 13 was to work more than eight hours in a factory. This "liberalism," so full of consideration for "capital," was the more noteworthy as. Dr. Farre, Sir A. Carlisle, Sir B. Brodie, Sir C. Bell, Mr. Guthrie, &c., in a word, the most distinguished physicians and surgeons in London, had declared in their evidence before the House of Commons, that there was danger in delay. Dr. Farre expressed himself still more coarsely. "Legislation is necessary for the prevention of death, in any form in which it can be prematurely inflicted, and certainly this (*i.e.*, the factory method) must be viewed as a most cruel mode of inflicting it."

That same "reformed" Parliament, which in its delicate consideration for the manufacturers, condemned children under 13, for years to come, to 72 hours of work per week in the Factory Hell, on the other hand, in the Emancipation Act, which also administered freedom drop by drop, forbade the planters, from the outset, to work any negro slave more than 45 hours a week.

But in no wise conciliated, capital now began a noisy agitation that went on for several years. It turned chiefly on the age of those who, under the name of children, were limited to 8 hours' work, and were subject to a certain amount of compulsory education. According to capitalistic anthropology, the age of childhood ended at 10, or at the outside, at 11. The more nearly the time approached for the coming into full force of the Factory Act, the fatal year 1836, the more wildly raged the mob of manufacturers. They managed, in fact, to intimidate the government to such an extent that in 1835 it proposed to lower the limit of the age of childhood from 13 to 12. In the meantime the pressure from without grew more threatening. Courage failed the House of Commons. It refused to throw children of 13 under the Juggernaut Car of capital for more than 8 hours a day, and the Act of 1833 came into full operation. It remained unaltered until June, 1844.

In the ten years during which it regulated factory work, first in part, and then entirely, the official reports of the factory inspectors teem with complaints as to the impossibility of putting the Act into force. As the law of 1833 left it optional with the lords of capital during the 15 hours, from 5.30 a.m. to 8.30 p.m., to make every "young person," and "every child" begin, break off, resume, or end his 12 or 8 hours at any moment they liked, and also permitted them to assign to different persons, different times for meals, these gentlemen soon discovered a new "system of relays," by which the labour-horses were not changed at fixed stations, but were constantly re-harnessed at changing stations. We do not pause longer on the beauty of this system, as we shall have to return to it later. But this much is clear at the first glance: that this system annulled the whole Factory Act, not only in the spirit, but in the letter. How could factory inspectors, with this complex bookkeeping in respect to each individual child or young person, enforce the legally determined work-time and the granting of the legal mealtimes? In a great many of the factories, the old brutalities soon blossomed out again unpunished. In an interview with the Home Secretary (1844), the factory inspectors demonstrated the impossibility of any control under the newly invented relay system. [102] In the meantime, however, circumstances had greatly changed. The factory hands, especially since 1838, had made the Ten Hours' Bill their economic, as they had made the Charter their political, election-cry. Some of the manufacturers, even, who had managed their factories in conformity with the Act of 1833, overwhelmed Parliament with memorials on the immoral competition of their false brethren

whom greater impudence, or more fortunate local circumstances, enabled to break the law. Moreover, however much the individual manufacturer might give the rein to his old lust for gain, the spokesmen and political leaders of the manufacturing class ordered a change of front and of speech towards the workpeople. They had entered upon the contest for the repeal of the Corn Laws, and needed the workers to help them to victory. They promised therefore, not only a double-sized loaf of bread, but the enactment of the Ten Hours' Bill in the Free-trade millennium. [103] Thus they still less dared to oppose a measure intended only to make the law of 1833 a reality. Threatened in their holiest interest, the rent of land, the Tories thundered with philanthropic indignation against the "nefarious practices" [104] of their foes.

This was the origin of the additional Factory Act of June 7th, 1844. It came into effect on September 10th, 1844. It places under protection a new category of workers, viz., the women over 18. They were placed in every respect on the same footing as the young persons, their worktime limited to twelve hours, their night-labour forbidden, &c. For the first time, legislation saw itself compelled to control directly and officially the labour of adults. In the Factory Report of 1844-1845, it is said with irony: "No instances have come to my knowledge of adult women having expressed any regret at their *rights* being thus far interfered with." [105] The working-time of children under 13 was reduced to 61, and in certain circumstances to 7 hours a-day. [106]

To get rid of the abuses of the "spurious relay system," the law established besides others the following important regulations: — "That the hours of work of children and young persons shall be reckoned from the time when any child or young person shall begin to work in the morning." So that if A, *e.g.*, begins work at 8 in the morning, and B at 10, B's work-day must nevertheless end at the same hour as A's. "The time shall be regulated by a public clock," for example, the nearest railway clock, by which the factory clock is to be set. The occupier is to hang up a "legible" printed notice stating the hours for the beginning and ending of work and the times allowed for the several meals. Children beginning work before 12 noon may not be again employed after 1 p.m. The afternoon shift must therefore consist of other children than those employed in the morning. Of the hour and a half for meal-times, "one hour thereof at the least shall be given before three of the clock in the afternoon ... and at the same period of the day. No child or young person shall be employed more than five hours before 1 p.m. without an interval for meal-time of at least 30 minutes. No child or young person [or female] shall be employed or allowed to remain in any room in which any manufacturing process is then [*i.e.*, at mealtimes] carried on," &c.

It has been seen that these minutiae, which, with military uniformity, regulate by stroke of the clock the times, limits, pauses of the work were not at all the products of Parliamentary fancy. They developed gradually out of circumstances as natural laws of the modern mode of production. Their formulation, official recognition, and proclamation by the State, were the result of a long struggle of classes. One of their first consequences was that in practice the working-day of the adult males in factories became subject to the same limitations, since in most processes of production the co-operation of the children, young persons, and women is indispensable. On the whole, therefore, during the period from 1844 to 1847, the 12 hours' working-day became general and uniform in all branches of industry under the Factory Act.

The manufacturers, however, did not allow this "progress" without a compensating "retrogression." At their instigation the House of Commons reduced the minimum age for exploitable children from 9 to 8, in order to assure that additional supply of factory children which is due to capitalists, according to divine and human law. [107]

The years 1846-47 are epoch-making in the economic history of England. The Repeal of the Corn Laws, and of the duties on cotton and other raw material; Free-trade proclaimed as the guiding star of legislation; in a word, the arrival of the millennium. On the other hand, in the same years, the Chartist movement and the 10 hours' agitation reached their highest point. They found allies in the Tories panting for revenge. Despite the fanatical opposition of the army of perjured Free-traders, with Bright and Cobden at their head, the Ten Hours' Bill, struggled for so long, went through Parliament.

The new Factory Act of June 8th, 1847, enacted that on July 1st, 1847, there should be a preliminary shortening of the working-day for "young persons" (from 13 to 18), and all females to 11 hours, but that on May 1st, 1848, there should be a definite limitation of the working-day to 10 hours. In other respects, the Act only amended and completed the Acts of 1833 and 1844.

Capital now entered upon a preliminary campaign in order to hinder the Act from coming into full force on May 1st, 1848. And the workers themselves, under the presence that they had been taught by experience, were to help in the destruction of their own work. The moment was cleverly chosen. "It must be remembered, too, that there has been more than two years of great suffering (in consequence of the terrible crisis of 1846-47) among the factory operatives, from many mills having worked short time, and many being altogether closed. A considerable number of the operatives must therefore be in very narrow circumstances many, it is to be

feared, in debt; so that it might fairly have been presumed that at the present time they would prefer working the longer time, in order to make up for past losses, perhaps to pay off debts, or get their furniture out of pawn, or replace that sold, or to get a new supply of clothes for themselves and their families." [108]

The manufacturers tried to aggravate the natural effect of these circumstances by a general reduction of wages by 10%. This was done so to say, to celebrate the inauguration of the new Free-trade era. Then followed a further reduction of 8 1/3% as soon as the working-day was shortened to 11, and a reduction of double that amount as soon as it was finally shortened to 10 hours. Wherever, therefore, circumstances allowed it, a reduction of wages of at least 25% took place. [109] Under such favourably prepared conditions the agitation among the factory workers for the repeal of the Act of 1847 was begun. Neither lies, bribery, nor threats were spared in this attempt. But all was in vain. Concerning the half-dozen petitions in which workpeople were made to complain of "their oppression by the Act," the petitioners themselves declared under oral examination, that their signatures had been extorted from them. "They felt themselves oppressed, but not exactly by the Factory Act." [110] But if the manufacturers did not succeed in making the workpeople speak as they wished, they themselves shrieked all the louder in press and Parliament in the name of the workpeople. They denounced the Factory Inspectors as a kind of revolutionary commissioners like those of the French National Convention ruthlessly sacrificing the unhappy factory workers to their humanitarian crotchet. This manoeuvre also failed. Factory Inspector Leonard Homer conducted in his own person, and through his sub-inspectors, many examinations of witnesses in the factories of Lancashire. About 70% of the workpeople examined declared in favour of 10 hours, a much smaller percentage in favour of 11, and an altogether insignificant minority for the old 12 hours. [111]

Another "friendly" dodge was to make the adult males work 12 to 15 hours, and then to blazon abroad this fact as the best proof of what the proletariat desired in its heart of hearts. But the "ruthless" Factory Inspector Leonard Homer was again to the fore. The majority of the "over-times" declared: "They would much prefer working ten hours for less wages, but that they had no choice; that so many were out of employment (so many spinners getting very low wages by having to work as piecers, being unable to do better), that if they refused to work the longer time, others would immediately get their places, so that it was a question with them of agreeing to work the longer time, or of being thrown out of employment altogether." [112]

The preliminary campaign of capital thus came to grief, and the Ten Hours' Act came into force May 1st, 1848. But meanwhile the fiasco of the Chartist party

whose leaders were imprisoned, and whose organisation was dismembered, had shaken the confidence of the English working-class in its own strength. Soon after this the June insurrection in Paris and its bloody suppression united, in England as on the Continent, all fractions of the ruling classes, landlords and capitalists, stock-exchange wolves and shop-keepers, Protectionists and Free traders, government and opposition, priests and freethinkers, young whores and old nuns, under the common cry for the salvation of Property, Religion, the Family and Society. The working-class was everywhere proclaimed, placed under a ban, under a virtual law of suspects. The manufacturers had no need any longer to restrain themselves. They broke out in open revolt not only against the Ten Hours' Act, but against the whole of the legislation that since 1833 had aimed at restricting in some measure the "free" exploitation of labour-power. It was a pro-slavery rebellion in miniature, carried on for over two years with a cynical recklessness, a terrorist energy all the cheaper because the rebel capitalist risked nothing except the skin of his "hands."

To understand that which follows we must remember that the Factory Acts of 1833, 1844, and 1847 were all three in force so far as the one did not amend the other: that not one of these limited the working-day of the male worker over 18, and that since 1833 the 15 hours from 5.30 a.m. to 8.30 p.m. had remained the legal "day," within the limits of which at first the 12, and later the 10 hours' labour of young persons and women had to be performed under the prescribed conditions.

The manufacturers began by here and there discharging a part of, in many cases half of the young persons and women employed by them, and then, for the adult males, restoring the almost obsolete night-work. The Ten Hours' Act, they cried, leaves no other alternative. [113]

Their second step dealt with the legal pauses for meals. Let us hear the Factory Inspectors. "Since the restriction of the hours of work to ten, the factory occupiers maintain, although they have not yet practically gone the whole length, that supposing the hours of work to be from 9 a.m. to 7 p.m. they fulfil the provisions of the statutes by allowing an hour before 9 a.m. and half an hour after 7 p.m. [for meals]. In some cases they now allow an hour, or half an hour for dinner, insisting at the same time, that they are not bound to allow any part of the hour and a half in the course of the factory working-day." [114] The manufacturers maintained therefore that the scrupulously strict provisions of the Act of 1844 with regard to meal-times only gave the operatives permission to eat and drink before coming into, and after leaving the factory — i.e., at home. And why should not the workpeople eat their dinner before 9 in the morning? The crown lawyers, however, decided that the prescribed meal-times "must be in the interval during the working-

hours, and that it will not be lawful to work for 10 hours continuously, from 9 a.m. to 7 p.m., without any interval." [115]

After these pleasant demonstrations, Capital preluded its revolt by a step which agreed with the letter of the law of 1844, and was therefore legal.

The Act of 1844 certainly prohibited the employment after 1 p.m. of such children, from 8 to 13, as had been employed before noon. But it did not regulate in any way the 6 1/2 hours' work of the children whose work-time began at 12 midday or later. Children of 8 might, if they began work at noon, be employed from 12 to 1, 1 hour; from 2 to 4 in the afternoon, 2 hours; from 5 to 8.30 in the evening, 3 1/2 hours; in all, the legal 6 1/2 hours. Or better still. In order to make their work coincide with that of the adult male labourers up to 8.30 p.m., the manufacturers only had to give them no work till 2 in the afternoon, they could then keep them in the factory without intermission till 8.30 in the evening. "And it is now expressly admitted that the practice exists in England from the desire of mill-owners to have their machinery at work for more than 10 hours a-day, to keep the children at work with male adults after all the young persons and women have left, and until 8.30 p.m. if the factory-owners choose." [116] Workmen and factory inspectors protested on hygienic and moral grounds, but Capital answered:

"My deeds upon my head! I crave the law, The penalty and forfeit of my bond."

In fact, according to statistics laid before the House of Commons on July 26th, 1850, in spite of all protests, on July 15th, 1850, 3,742 children were subjected to this "practice" in 257 factories. [117] Still, this was not enough. The Lynx eye of Capital discovered that the Act of 1844 did not allow 5 hours' work before mid-day without a pause of at least 30 minutes for refreshment, but prescribed nothing of the kind for work after mid-day. Therefore, it claimed and obtained the enjoyment not only of making children of 8 drudge without intermission from 2 to 8.30 p.m., but also of making them hunger during that time.

"Ay, his heart, So says the bond."

This Shylock-clinging [118] to the letter of the law of 1844, so far as it regulated children's labour, was but to lead up to an open revolt against the same law, so far as it regulated the labour of "young persons and women." It will be remembered that the abolition of the "false relay system" was the chief aim and object of that law. The masters began their revolt with the simple declaration that the sections of the Act of 1844 which prohibited the *ad libitum* use of young persons and women in such short fractions of the day of 15 hours as the employer chose, were

"comparatively harmless" so long as the work-time was fixed at 12 hours. But under the Ten Hours' Act they were a "grievous hardship." [119] They informed the inspectors in the coolest manner that they should place themselves above the letter of the law, and re-introduce the old system on their own account. [120] They were acting in the interests of the ill-advised operatives themselves, "in order to be able to pay them higher wages." "This was the only possible plan by which to maintain, under the Ten Hours' Act, the industrial supremacy of Great Britain." "Perhaps it may be a little difficult to detect irregularities under the relay system; but what of that? Is the great manufacturing interest of this country to be treated as a secondary matter in order to save some little trouble to Inspectors and Sub-Inspectors of Factories?" [121]

All these shifts naturally were of no avail. The Factory Inspectors appealed to the Law Courts. But soon such a cloud of dust in the way of petitions from the masters overwhelmed the Home Secretary, Sir George Grey, that in a circular of August 5th, 1848, he recommends the inspectors not "to lay informations against mill-owners for a breach of the letter of the Act, or for employment of young persons by relays in cases in which there is no reason to believe that such young persons have been actually employed for a longer period than that sanctioned by law." Hereupon, Factory Inspector J. Stuart allowed the so-called relay system during the 15 hours of the factory day throughout Scotland, where it soon flourished again as of old. The English Factory Inspectors, on the other hand, declared that the Home Secretary had no power dictatorially to suspend the law, and continued their legal proceedings against the pro-slavery rebellion.

But what was the good of summoning the capitalists when the Courts in this case the country magistrates — Cobbett's "Great Unpaid" — acquitted them? In these tribunals, the masters sat in judgment on themselves. An example. One Eskrigge, cotton-spinner, of the firm of Kershaw, Leese, & Co., had laid before the Factory Inspector of his district the scheme of a relay system intended for his mill. Receiving a refusal, he at first kept quiet. A few months later, an individual named Robinson, also a cotton-spinner, and if not his Man Friday, at all events related to Eskrigge, appeared before the borough magistrates of Stockport on a charge of introducing the identical plan of relays invented by Eskrigge. Four Justices sat, among them three cottonspinners, at their head this same inevitable Eskrigge. Eskrigge acquitted Robinson, and now was of opinion that what was right for Robinson was fair for Eskrigge. Supported by his own legal decision, he introduced the system at once into his own factory. [122] Of course, the composition of this tribunal was in itself a violation of the law. [123] These judicial farces, exclaims Inspector Howell, "urgently call for a remedy — either that the law should be so altered as to be made to conform to these decisions, or that it should be administered by a less fallible

tribunal, whose decisions would conform to the law ... when these cases are brought forward. I long for a stipendiary magistrate." [124]

The crown lawyers declared the masters' interpretation of the Act of 1848 absurd. But the Saviours of Society would not allow themselves to be turned from their purpose. Leonard Homer reports, "Having endeavoured to enforce the Act ... by ten prosecutions in seven magisterial divisions, and having been supported by the magistrates in one case only ... I considered it useless to prosecute more for this evasion of the law. That part of the Act of 1848 which was framed for securing uniformity in the hours of work, ... is thus no longer in force in my district (Lancashire). Neither have the sub-inspectors or myself any means of satisfying ourselves, when we inspect a mill working by shifts, that the young persons and women are not working more than 10 hours a-day.... In a return of the 30th April, ... of millowners working by shifts, the number amounts to 114, and has been for some time rapidly increasing. In general, the time of working the mill is extended to 13 1/2 hours' from 6 a.m. to 7 1/2 p.m., in some instances it amounts to 15 hours, from 5 1/2 a.m. to 8 1/2 p.m." [125] Already, in December, 1848, Leonard Homer had a list of 65 manufacturers and 29 overlookers who unanimously declared that no system of supervision could, under this relay system, prevent enormous over-work. [126] Now, the same children and young persons were shifted from the spinning-room to the weaving-room, now, during 15 hours, from one factory to another. [127] How was it possible to control a system which, "under the guise of relays, is some one of the many plans for shuffling 'the hands' about in endless variety, and shifting the hours of work and of rest for different individuals throughout the day, so that you may never have one complete set of hands working together in the same room at the same time." [128]

But altogether independently of actual over-work, this so-called relay system was an offspring of capitalistic fantasy, such as Fourier, in his humorous sketches of "Courses Seances," has never surpassed, except that the "attraction of labour" was changed into the attraction of capital. Look, for example, at those schemes of the masters which the "respectable" press praised as models of "what a reasonable degree of care and method can accomplish." The *personnel* of the workpeople was sometimes divided into from 12 to 14 categories, which themselves constantly changed and recharged their constituent parts. During the 15 hours of the factory day, capital dragged in the labourer now for 30 minutes, now for an hour, and then pushed him out again, to drag him into the factory and to thrust him out afresh, hounding him hither and thither, in scattered shreds of time, without ever losing hold of him until the full 10 hours' work was done. As on the stage, the same persons had to appear in turns in the different scenes of the different acts. But as an actor during the whole course of the play belongs to the stage, so the operatives,

during 15 hours, belonged to the factory, without reckoning the time for going and coming. Thus the hours of rest were turned into hours of enforced idleness, which drove the youths to the pot-house, and the girls to the brothel. At every new trick that the capitalist, from day to day, hit upon for keeping his machinery going 12 or 15 hours without increasing the number of his hands, the worker had to swallow his meals now in this fragment of time, now in that. At the time of the 10 hours' agitation, the masters cried out that the working mob petitioned in the hope of obtaining 12 hours' wages for 10 hours' work. Now they reversed the medal. They paid 10 hours' wages for 12 or 15 hours' lordship over labour-power. [129] This was the gist of the matter, this the masters' interpretation of the 10 hours' law! These were the same unctuous Free-traders, perspiring with the love of humanity, who for full 10 years, during the Anti-Corn Law agitation, had preached to the operatives, by a reckoning of pounds, shillings, and pence, that with free importation of corn, and with the means possessed by English industry, 10 hours' labour would be quite enough to enrich the capitalists. [130] This revolt of capital, after two years was at last crowned with victory by a decision of one of the four highest Courts of Justice in England, the Court of Exchequer, which in a case brought before it on February 8th, 1850, decided that the manufacturers were certainly acting against the sense of the Act of 1844, but that this Act itself contained certain words that rendered it meaningless. "By this decision, the Ten Hours' Act was abolished." [131] A crowd of masters, who until then had been afraid of using the relay system for young persons and women, now took it up heart and soul. [132]

But on this apparently decisive victory of capital, followed at once a revulsion. The workpeople had hitherto offered a passive, although inflexible and unremitting resistance. They now protested in Lancashire and Yorkshire in threatening meetings. The pretended Ten Hours' Act was thus simple humbug, parliamentary cheating, had never existed! The Factory Inspectors urgently warned the Government that the antagonism of classes had arrived at an incredible tension. Some of the masters themselves murmured: "On account of the contradictory decisions of the magistrates, a condition of things altogether abnormal and anarchical obtains. One law holds in Yorkshire, another in Lancashire, one law in one parish of Lancashire, another in its immediate neighbourhood. The manufacturer in large towns could evade the law, the manufacturer in country districts could not find the people necessary for the relay system, still less for the shifting of hands from one factory to another," &c. And the first birthright of capital is equal exploitation of labour-power by all capitalists.

Under these circumstances a compromise between masters and men was effected that received the seal of Parliament in the additional Factory Act of August 5th, 1850. The working-day for "young persons and women," was raised from 10 to 10

— hours for the first five days of the week, and shortened to 7 1/2 on the Saturday. The work was to go on between 6 a.m. and 6 p.m., [133] with pauses of not less than 1 1/2 hours for meal-times, these meal-times to be allowed at one and the same time for all, and conformably to the conditions of 1844. By this an end was put to the relay system once for all. [134] For children's labour, the Act of 1844 remained in force.

One set of masters, this time as before, secured to itself special seigniorial rights over the children of the proletariat. These were the silk manufacturers. In 1833 they had howled out in threatening fashion, "if the liberty of working children of any age for 10 hours a day were taken away, it would stop their works." [135] It would be impossible for them to buy a sufficient number of children over 13. They extorted the privilege they desired. The pretext was shown on subsequent investigation to be a deliberate lie. [136] It did not, however, prevent them, during 10 years, from spinning silk 10 hours a day out of the blood of little children who had to be placed upon stools for the performance of their work. [137] The Act of 1844 certainly "robbed" them of the "liberty" of employing children under 11 longer than 6 1/2 hours a day. But it secured to them, on the other hand, the privilege of working children between 11 and 13, 10 hours a day, and of annulling in their case the education made compulsory for all other factory children. This time the pretext was "the delicate texture of the fabric in which they were employed, requiring a lightness of touch, only to be acquired by their early introduction to these factories." [138] The children were slaughtered out-and-out for the sake of their delicate fingers, as in Southern Russia the horned cattle for the sake of their hide and tallow. At length, in 1850, the privilege granted in 1844, was limited to the departments of silk-twisting and silk-winding. But here, to make amends to capital bereft of its "freedom," the work-time for children from 11 to 13 was raised from 10 to 10 1/2 hours. Pretext: "Labour in silk mills was lighter than in mills

for other fabrics, and less likely in other respects also to be prejudicial to health." [139] Official medical inquiries proved afterwards that, on the contrary, "the average death-rate is exceedingly high in the silk districts and amongst the female part of the population is higher even than it is in the cotton districts of Lancashire." [140] Despite the protests of the Factory Inspector, renewed every 6 months, the mischief continues to this hour. [141]

The Act of 1850 changed the 15 hours' time from 6 a.m. to 8.30 p.m., into the 12 hours from 6 a.m. to 6 p.m. for "young persons and women" only. It did not, therefore, affect children who could always be employed for half an hour before and 2 1/2 hours after this period, provided the whole of their labour did not exceed 6 1/2 hours. Whilst the bill was under discussion, the Factory Inspectors laid before

Parliament statistics of the infamous abuses due to this anomaly. To no purpose. In the background lurked the intention of screwing up, during prosperous years, the working-day of adult males to 15 hours by the aid of the children. The experience of the three following years showed that such an attempt must come to grief against the resistance of the adult male operatives. The Act of 1850 was therefore finally completed in 1853 by forbidding the "employment of children in the morning before and in the evening after young persons and women." Henceforth with a few exceptions the Factory Act of 1850 regulated the working-day of all workers in the branches of industry that come under it. [142] Since the passing of the first Factory Act half a century had elapsed. [143]

Factory legislation for the first time went beyond its original sphere in the "Printworks' Act of 1845." The displeasure with which capital received this new "extravagance" speaks through every line of the Act. It limits the working-day for children from 8 to 13, and for women to 16 hours, between 6 a.m. and 10 p.m., without any legal pause for meal-times. It allows males over 13 to be worked at will day and night. [144] It is a Parliamentary abortion. [145]

However, the principle had triumphed with its victory in those great branches of industry which form the most characteristic creation of the modern mode of production. Their wonderful development from 1853 to 1860, hand-in-hand with the physical and moral regeneration of the factory workers, struck the most purblind. The masters from whom the legal limitation and regulation had been wrung step by step after a civil war of half a century, themselves referred ostentatiously to the contrast with the branches of exploitation still "free." [146] The Pharisees of "Political Economy" now proclaimed the discernment of the necessity of a legally fixed working-day as a characteristic new discovery of their "science." [147] It will be easily understood that after the factory magnates had resigned themselves and become reconciled to the inevitable, the power of resistance of capital gradually weakened, whilst at the same time the power of attack of the working-class grew with the number of its allies in the classes of society not immediately interested in the question. Hence the comparatively rapid advance since 1860.

The dye-works and bleach-works all came under the Factory Act of 1850 in 1860; [148] lace and stocking manufactures in 1861.

In consequence of the first report of the Commission on the employment of children (1863) the same fate was shared by the manufacturers of all earthenwares (not merely pottery), Lucifer-matches, percussioncaps, cartridges, carpets, fustian-cutting, and many processes included under the name of "finishing." In the year

1863 bleaching in the open air [149] and baking were placed under special Acts, by which, in the former, the labour of young persons and women during the night-time (from 8 in the evening to 6 in the morning), and in the latter, the employment of journeymen bakers under 18, between 9 in the evening and 5 in the morning were forbidden. We shall return to the later proposals of the same Commission, which threatened to deprive of their "freedom" all the important branches of English Industry, with the exception of agriculture, mines, and the means of transport. [150]

SECTION 7

THE STRUGGLE FOR THE NORMAL WORKING-DAY.

RE-ACTION OF THE ENGLISH FACTORY ACTS ON OTHER COUNTRIES

The reader will bear in mind that the production of surplus-value, or the extraction of surplus-labour, is the specific end and aim, the sum and substance, of capitalist production, quite apart from any changes in the mode of production, which may arise from the subordination of labour to capital. He will remember that as far as we have at present gone only the independent labourer, and therefore only the labourer legally qualified to act for himself, enters as a vendor of a commodity into a contract with the capitalist. If, therefore, in our historical sketch, on the one hand, modern industry, on the other, the labour of those who are physically and legally minors, play important parts, the former was to us only a special department, and the latter only a specially striking example of labour exploitation. Without, however, anticipating the subsequent development of our inquiry, from the mere connexion of the historic facts before us it follows:

First. The passion of capital for an unlimited and reckless extension of the working-day, is first gratified in the industries earliest revolutionised by water-power, steam, and machinery, in those first creations of the modern mode of production, cotton, wool, flax, and silk spinning, and weaving. The changes in the material mode of production, and the corresponding changes in the social relations of the producers [151] gave rise first to an extravagance beyond all bounds, and then in opposition to this, called forth a control on the part of Society which legally limits, regulates, and makes uniform the working-day and its pauses. This control appears, therefore, during the first half of the nineteenth century simply as exceptional legislation. [152] As soon as this primitive dominion of the new mode of production was conquered, it was found that, in the meantime, not only had many other branches of production been made to adopt the same factory system, but that manufactures

with more or less obsolete methods, such as potteries, glass-making, &c., that old-fashioned handicrafts, like baking, and, finally, even that the so-called domestic industries, such as nail-making, [153] had long since fallen as completely under capitalist exploitation as the factories themselves. Legislation was, therefore, compelled to gradually get rid of its exceptional character, or where, as in England, it proceeds after the manner of the Roman Casuists, to declare any house in which work was done to be a factory. [154]

Second. The history of the regulation of the working-day in certain branches of production, and the struggle still going on in others in regard to this regulation, prove conclusively that the isolated labourer, the labourer as "free" vendor of his labour-power, when capitalist production has once attained a certain stage, succumbs without any power of resistance. The creation of a normal working-day is, therefore, the product of a protracted civil war, more or less dissembled, between the capitalist class and the working-class. As the contest takes place in the arena of modern industry, it first breaks out in the home of that industry — England. [155] The English factory workers were the champions, not only of the English, but of the modern working-class generally, as their theorists were the first to throw down the gauntlet to the theory of capital. [156] Hence, the philosopher of the Factory, Ure, denounces as an ineffable disgrace to the English working-class that they inscribed "the slavery of the Factory Acts" on the banner which they bore against capital, manfully striving for "perfect freedom of labour." [157]

France limps slowly behind England. The February revolution was necessary to bring into the world the 12 hours' law, [158] which is much more deficient than its English original. For all that, the French revolutionary method has its special advantages. It once for all commands the same limit to the working-day in all shops and factories without distinction, whilst English legislation reluctantly yields to the pressure of circumstances, now on this point, now on that, and is getting lost in a hopelessly bewildering tangle of contradictory enactments. [159] On the other hand, the French law proclaims as a principle that which in England was only won in the name of children, minors, and women, and has been only recently for the first time claimed as a general right. [160]

In the United States of North America, every independent movement of the workers was paralysed so long as slavery disfigured a part of the Republic. Labour cannot emancipate itself in the white skin where in the black it is branded. But out of the death of slavery a new life at once arose. The first fruit of the Civil War was the eight hours' agitation, that ran with the seven-leagued boots of the locomotive from the Atlantic to the Pacific, from New England to California. The General Congress of labour at Baltimore (August 16th, 1866) declared: "The first and great

necessity of the present, to free the labour of this country from capitalistic slavery, is the passing of a law by which eight hours shall be the normal working-day in all States of the American Union. We are resolved to put forth all our strength until this glorious result is attained." [161] At the same time, the Congress of the International Working Men's Association at Geneva, on the proposition of the London General Council, resolved that "the limitation of the working-day is a preliminary condition without which all further attempts at improvement and emancipation must prove abortive... the Congress proposes eight hours as the legal limit of the working-day."

Thus the movement of the working-class on both sides of the Atlantic, that had grown instinctively out of the conditions of production themselves, endorsed the words of the English Factory Inspector, R. J. Saunders "Further steps towards a reformation of society can never be carried out with any hope of success, unless the hours of labour be limited, and the prescribed limit strictly enforced." [162]

It must be acknowledged that our labourer comes out of the process of production other than he entered. In the market he stood as owner of the commodity "labour-power" face to face with other owners of commodities, dealer against dealer. The contract by which he sold to the capitalist his labour-power proved, so to say, in black and white that he disposed of himself freely. The bargain concluded, it is discovered that he was no "free agent," that the time for which he is free to sell his labour-power is the time for which he is forced to sell it, [163] that in fact the vampire will not lose its hold on him "so long as there is a muscle, a nerve, a drop of blood to be exploited." [164] For "protection" against "the serpent of their agonies," the labourers must put their heads together, and, as a class, compel the passing of a law, an all-powerful social barrier that shall prevent the very workers from selling, by voluntary contract with capital, themselves and their families into slavery and death. [165] In place of the pompous catalogue of the "inalienable rights of man" comes the modest Magna Charta of a legally limited working-day, which shall make clear "when the time which the worker sells is ended, and when his own begins." [166] Quantum mutatus ab illo!

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